

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

|                                    |   |                           |
|------------------------------------|---|---------------------------|
| RITA J. LOCKE-CALHOUN,             | ) | CASE No.: 1:04 CV 354     |
|                                    | ) |                           |
| Plaintiff                          | ) |                           |
|                                    | ) | JUDGE SOLOMON OLIVER, JR. |
| v.                                 | ) |                           |
|                                    | ) |                           |
| PROGRESSIVE CASUALTY               | ) |                           |
| INSURANCE COMPANY, <i>et al.</i> , | ) |                           |
|                                    | ) |                           |
| Defendants                         | ) | <u>ORDER</u>              |

Currently pending before the court are a Motion to Enforce Settlement (ECF No. 73) and a Motion to Show Cause (ECF No. 74) by Plaintiff Rita J. Locke-Calhoun. This case was concluded on May 26, 2006, when the court entered an Order of Dismissal With Prejudice. Such Order was entered in the context of the court's having concluded that the parties had reached an enforceable Settlement Agreement at the mediation conference in the within case. The material terms of that settlement are set forth in an Addendum to the court's Order of Dismissal, which was placed under seal. In the Motion to Enforce, she seeks to require that the proceeds of the settlement be turned over to her. In the Motion to Show Cause, she also seeks to have Defendants comply with the Settlement Agreement and seeks an order requiring Defendants to show cause why they should not

be held in contempt of court for revealing information regarding the escrow account containing the settlement proceeds to her former counsel who sought to place a lien on those proceeds.

Defendants indicate they have now paid funds over to the Plaintiff. Plaintiff's former counsel, who had sought a restraining order in an action before the Cuyahoga County Common Pleas Court, *Robert Smith III vs. Rita J. Locke-Calhoun*, CV 06-596622, withdrew his motion for restraining order on July 28, 2006. He continued to seek a ruling from the court that he was entitled to a portion of the settlement proceeds.

Inasmuch as the funds, minus any amounts that were withheld for taxes and other required deductions, have been paid to Ms. Locke-Calhoun, and that Defendants revealed information regarding the escrow accounts only to Plaintiff's former counsel who made a claim on a portion of such funds, the court finds that Defendants did not materially breach the Settlement Agreement in a manner which requires them to be held in contempt. Therefore, the court hereby denies the Motion to Enforce Settlement (ECF No. 73) and the Motion to Show Cause (ECF No. 74).

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

March 29, 2007